

CODIB-D-118/1
1 March 1967

UNITED STATES INTELLIGENCE BOARD
COMMITTEE ON DOCUMENTATION

25X1A

[REDACTED]
National Security Agency
Fort George G. Meade, Maryland 20755
ATTENTION: R45

Dear Ed:

The Committee on Documentation has reviewed the proposed revision to Section H, Special Instructions for Classified and Unclassified-Limited Distribution Documents of the Federal Microfiche Standards, Second Edition, December 1965, as requested. Knowledgeable individuals throughout the intelligence community have been consulted regarding the operational and security aspects of the proposed Federal Microfiche Standards.

There is general agreement that standard placement of security classification, dissemination, and use controls as well as downgrade markings is vital for the protection and effective control of classified intelligence which may be placed on microfiche. Navy indicates that the accession number and security classification are placed on the top right-hand side of existing 70 mm x 100 mm Standard Data Base Chips which are utilized in their Integrated Operational Intelligence Centers. It recommends placement of these elements in positions A-10 thru A-12 rather than in A-1 and A-2 on microfiche in order to enhance compatibility.

CODIB believes that a minimum size should be specified for these markings on microfiche. In the absence of such specification, the criterion "legible without magnification" will be subject to varying interpretation. This could constitute a security hazard comparable to that of non-standard placement of these markings. A minimum height of 3 millimeters, single-stroke, upper case, vertical, bold-face type is recommended for security classification markings and for dissemination, use control, and downgrade markings. Allocation of additional space for this purpose is deemed justifiable.

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CODIB also recommends that markings to indicate dissemination and use controls, such as those which appear in DCID 1/7 for use in conjunction with intelligence and intelligence information, be utilized rather than abbreviations thereof. This should preclude possible misinterpretation of abbreviations by microfiche disseminators and recipients.

Further, CODIB recommends that the space allocated on Sheet 1 for indicating security classification and for use control, and downgrade markings also be provided on trailer sheets. This could best be done by starting images in Row B rather than in Row A as presently called for in Section F of the Federal Standard. According to Air Force, this is a commonly accepted practice by a majority of agencies using microfiche to store classified information. Also the control problems incident to placing Top Secret and Registered documents on microfiche may require additional space on the microfiche for recording of Top Secret and Registered document control numbers and other appropriate instructions. CODIB recommends that space be allocated on microfiche for such controls.

Finally, Army notes that Public Law 89-487 (see Attachment 1) concerning availability of information to the public bears on so-called UNCLASSIFIED-LIMITED DISTRIBUTION documents. The effective date for the public law is 1 July 1967. Army also indicates that DoD 5200.1 is being revised and that the classification CONFIDENTIAL-MODIFIED HANDLING AUTHORIZED will be eliminated.

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Chairman
Committee on Documentation

Attachment: a/s



Public Law 89-487
89th Congress, S. 1160
July 4, 1966

An Act

80 STAT. 250

To amend section 3 of the Administrative Procedure Act, chapter 321, of the Act of June 11, 1946 (60 Stat. 238), to clarify and protect the right of the public to information, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3, chapter 321, of the Act of June 11, 1946 (60 Stat. 238), is amended to read as follows:

Public information, availability.
5 USC 1002.

"SEC. 3. Every agency shall make available to the public the following information:

"(a) PUBLICATION IN THE FEDERAL REGISTER.—Every agency shall separately state and currently publish in the Federal Register for the guidance of the public (A) descriptions of its central and field organization and the established places at which, the officers from whom, and the methods whereby, the public may secure information, make submissions or requests, or obtain decisions; (B) statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available; (C) rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations; (D) substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency; and (E) every amendment, revision, or repeal of the foregoing. Except to the extent that a person has actual and timely notice of the terms thereof, no person shall in any manner be required to resort to, or be adversely affected by any matter required to be published in the Federal Register and not so published. For purposes of this subsection, matter which is reasonably available to the class of persons affected thereby shall be deemed published in the Federal Register when incorporated by reference therein with the approval of the Director of the Federal Register.

"(b) AGENCY OPINIONS AND ORDERS.—Every agency shall, in accordance with published rules, make available for public inspection and copying (A) all final opinions (including concurring and dissenting opinions) and all orders made in the adjudication of cases, (B) those statements of policy and interpretations which have been adopted by the agency and are not published in the Federal Register, and (C) administrative staff manuals and instructions to staff that affect any member of the public, unless such materials are promptly published and copies offered for sale. To the extent required to prevent a clearly unwarranted invasion of personal privacy, an agency may delete identifying details when it makes available or publishes an opinion, statement of policy, interpretation, or staff manual or instruction: *Provided*, That in every case the justification for the deletion must be fully explained in writing. Every agency also shall maintain and make available for public inspection and copying a current index providing identifying information for the public as to any matter which is issued, adopted, or promulgated after the effective date of this Act and which is required by this subsection to be made available or published. No final order, opinion, statement of policy, interpretation, or staff manual or instruction that affects any member of the public may be relied upon, used or cited as precedent by an agency against any private party unless it has been indexed and either

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made available or published as provided by this subsection or unless that private party shall have actual and timely notice of the terms thereof.

"(c) AGENCY RECORDS.—Except with respect to the records made available pursuant to subsections (a) and (b), every agency shall, upon request for identifiable records made in accordance with published rules stating the time, place, fees to the extent authorized by statute and procedure to be followed, make such records promptly available to any person. Upon complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated shall have jurisdiction to enjoin the agency from the withholding of agency records and to order the production of any agency records improperly withheld from the complainant. In such cases the court shall determine the matter de novo and the burden shall be upon the agency to sustain its action. In the event of noncompliance with the court's order, the district court may punish the responsible officers for contempt. Except as to those causes which the court deems of greater importance, proceedings before the district court as authorized by this subsection shall take precedence on the docket over all other causes and shall be assigned for hearing and trial at the earliest practicable date and expedited in every way.

"(d) AGENCY PROCEEDINGS.—Every agency having more than one member shall keep a record of the final votes of each member in every agency proceeding and such record shall be available for public inspection.

"(e) EXEMPTIONS.—The provisions of this section shall not be applicable to matters that are (1) specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy; (2) related solely to the internal personnel rules and practices of any agency; (3) specifically exempted from disclosure by statute; (4) trade secrets and commercial or financial information obtained from any person and privileged or confidential; (5) inter-agency or intra-agency memorandums or letters which would not be available by law to a private party in litigation with the agency; (6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; (7) investigatory files compiled for law enforcement purposes except to the extent available by law to a private party; (8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions; and (9) geological and geophysical information and data (including maps) concerning wells.

"(f) LIMITATION OF EXEMPTIONS.—Nothing in this section authorizes withholding of information or limiting the availability of records to the public except as specifically stated in this section, nor shall this section be authority to withhold information from Congress.

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Pub. Law 89-487

80 STAT. 251

“(g) PRIVATE PARTY.—As used in this section, ‘private party’ means any party other than an agency.

“(h) EFFECTIVE DATE.—This amendment shall become effective one year following the date of the enactment of this Act.”

Approved July 4, 1966.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 1497 (Comm. on Government Operations).

SENATE REPORT No. 813 (Comm. on the Judiciary).

CONGRESSIONAL RECORD:

Vol. 111 (1965): Oct. 13, considered and passed Senate.

Vol. 112 (1966): June 20, considered and passed House.